

**ENTERED**

March 02, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:20-cv-00154
	§	
4.620 ACRES OF LAND, more or less, in	§	Lead Case
HIDALGO COUNTY, TEXAS; and	§	
FULLER FARMS,	§	
	§	
Defendants.	§	
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UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:20-cv-00170
	§	
8.570 ACRES OF LAND, more or less, in	§	Member Case
HIDALGO COUNTY, TEXAS; and	§	
FULLER FARMS,	§	
	§	
Defendants.	§	

**ORDER**

The Court now considers “Defendant’s Emergency Motion to Compel Plaintiff to Adequately Respond to Discovery.”<sup>1</sup> The Court’s extended deadline for all parties to designate expert witnesses and provide expert reports is March 22, 2021.<sup>2</sup> Defendant asserts that it served interrogatories on Plaintiff on January 6, 2021, Plaintiff responded with only objections on February 19th, and the parties attempted to resolve the dispute on February 24th but were

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<sup>1</sup> Dkt. No. 39.

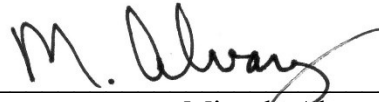
<sup>2</sup> Dkt. No. 36 at 4.

unsuccessful.<sup>3</sup> Five days later, Defendant filed the instant motion to compel Plaintiff to respond to discovery, which Defendant designated an “emergency” because, under the ordinary operation of Local Rule 7.3, the opposed motion will not be submitted to the Court until the same day the expert reports are due.<sup>4</sup>

In light of the foregoing circumstances, the Court **ORDERS** that Defendant’s emergency motion will be submitted to the Court on **March 11, 2021**. Plaintiff’s response must be filed by the submission day or the motion will be treated as unopposed. Defendant’s reply, if any, must be filed no later than **March 15, 2021** or it will not be considered.<sup>5</sup>

IT IS SO ORDERED.

DONE at McAllen, Texas, this 2nd day of March 2021.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez  
United States District Judge

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<sup>3</sup> Dkt. No. 39 at 2, ¶¶ 3–4; *see* FED. R. CIV. P. 37(a)(1) (“On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.”).

<sup>4</sup> Dkt. No. 39 at 2, ¶ 4.

<sup>5</sup> Defendant’s motion to compel responses will be submitted to the Court for adjudication on March 11, 2021. Defendant is not entitled to have its reply brief considered if the Court issues its order before the reply is filed.